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December 8, 2017

Department of Transportation Division of Engineering Services Office Engineer, MS 43 1727 30Th Street Sacramento, CA 95816 Attn: Jill Y. Sewell

Re:

Bid Protest of Apparent Low Bidder Caltrans Contract 11-415304

Dear Ms. Sewell:

Hazard Construction ("Hazard") has reviewed the bid forms as submitted by the apparent low bidder, Western Rim Constructors, Inc. ("Western") and asks that Caltrans find Western non-responsive due to reducing the scope of work of a listed subcontractor from bid time listing to the DBE Commitment form submitted 5 days after the bid.

At bid time, Western properly submitted a Subcontractor List Form listing Maneri Traffic Control for bid items 4, 5, 7, 12, 13, 95, 96, 97, 98, 99, 100, 101. Within the time allotted by specifications, Western submitted their Disadvantaged Business Enterprise (DBE) Commitment Form listing Maneri Traffic Control for bid items 4, 5, 7, 12, 13, 95, 96, 97, 98, 99. Missing from the DBE Commitment Form are bid items 100 and 101. The DBE Commitment Form clearly states that "The names of the 1" tier DBE subcontractors and items of work must be consistent with the Subcontractor List (pub Cont Code 4100 et seq)." Western's failure to list bid item 100 and 101 is a clear reduction in scope of work of Maneri Traffic Control, a listed 1" Tier Subcontractor and is a violation of the Caltrans bidding instructions as well as the Public Contract Code. It is impossible for Caltrans to determine what work was being subcontracted based on this inconsistency.

Due to the reason stated above Hazard hereby protests any award to Western and asks that Western's bid be deemed as nonresponsive and award the contract to Hazard, the true apparent low bidder, having met all of the requirements of the contract since it is impossible to determine what work is being subcontracted and due to the competitive advantage Western was afforded by being able to reduce the scope of work for the listed subcontractors after the bid.

Caltrans has previously set precedence on this very issue on many other contracts including Contract 11-275504 where Coffman Specialties was found non-responsive due to enlarging the scope of work of a subcontractor 24 hours after the bid, Contract 11-406704 where Security Paving Company was found non-responsive due to reducing the scope of work of a subcontractor 24 hours after bid. (Exhibit 4), and Contract 11-408904 where Peterson-Chase General Engineering was found non-responsive due to inconsistencies' between the Subcontractor List and the Disadvantaged Business Enterprise (DBE) Commitment Form.

If you have any questions regarding any of these matters or need further clarification, please do not hesitate to call myself at the main office. Thank you for your extention to this matter.

Sincerely,
HAZARD CONSTRUCTION COMPANY

Jason A Mordherst

President

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Contract No.: 11-415304 Project ID: 1113000018

Bidder Name: Western Rim Constructors, Inc. Bidder ID: VC0000101494

DES-0E-0102.2C (REV 03/2015)

Bidding Firm: Western Rim Constructors, Inc.

List this sub? Yes

7) Business Name MANERI TRAFFIC CONTROL, INC.
Location City TEMECULA State CA
California Contractor License Number 1017741
Public Works Contractor Registration Number 1000043135
Portion of Work Subcontracted:

Item &

Description

- 4 100 CONSTRUCTION AREA SIGNS
- 7 100 TRAFFIC PLASTIC DRUM
- 12 100 TEMPORARY CRASH CUSHION MODULE
- 13 100 ALTERNATIVE TEMPORARY CRASH CUSHION MODULE

List this sub? Yes

8) Business Name MANERI TRAFFIC CONTROL, INC.
Location City TEMECULA State CA
California Contractor License Number 1017741
Public Works Contractor Registration Number 1000043135
Portion of Work Subcontracted:

Item &

Description

- 95 100 REMOVE ROADSIDE SIGN
- 96 65 FURNISH SINGLE SHEEL ALUMINUM SIGN FOR RETROREFLECTIVE SHEETING
- 97 90 FURNISH SINGLE SHEET ALUMINUM SIGN FOR RETROREFLECTIVE SHEETING
- 98 77 FURNISH SINGLE SHEET ALUMIUM SIGN FOR RETROREFLECTIVE SHEETING
- 99 85 RETROREFLECTIVE SHETING TYPE XI

List this sub? Yes

9) Business Name MANERI TRAFFIC CONTROL Location City TEMECULA State CA California Contractor License Number 1017741 Public Works Contractor Registration Number 1000043135 Portion of Work Subcontracted:

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Description

100 100 ROADSIDE SIGN ONE POST

101 100 INSTALL SIGN

5 100 TRAFFIC CONTROL LANE CLOSURERS W/ATTE TRUCK, DETOURS, RAMP CLOSURE

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION DBE - COMMITMENT
068-06-0102.10D (REV 12/2014)

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177 711, or with to Records and Forms Management, 1120 N Smoot, MS-99, Sucrements, CA 95914.